



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Ref: 8P-AR

The Honorable Shaun Chapoose, Chairman
Ute Business Committee
P.O. Box 70
Fort Duchesne, Utah 84026

Dear Chairman Chapoose:

Several members of my staff recently had the opportunity to meet with Vice-Chairman Secakuku and with the Ute Tribe's legal counsel, Tom Fredericks and Jeremy Patterson, to discuss air quality issues in the Uinta Basin, including the Environmental Protection Agency's (EPA) plans to propose a Federal Implementation Plan (FIP) under the Clean Air Act. The planned FIP would address volatile organic compound (VOC) emissions from existing oil and gas emission sources on Indian country lands within the Uintah and Ouray Reservation.

The meeting, which was held in our offices on December 1, 2016, was a productive conversation that helped build our mutual understanding of the issues and concerns involved with the ongoing effort to protect air quality on the Reservation, while ensuring a level regulatory playing field across the Basin. I am grateful that we had the opportunity to discuss in person the Ute Indian Tribe's concerns about the proposed FIP and about larger air quality issues.

I am writing now to follow-up on some of the points discussed at the meeting. First, I am sharing information about the anticipated contents of the draft proposed FIP. Enclosed, as Mr. Fredericks requested, is a final copy of the slide presentation displayed during the recent meeting. (This presentation will also be made available in the public rulemaking docket for the FIP.) The presentation summarizes the expected content of the rule, and describes the FIP in the context of the principles and concerns that the Uintah and Ouray Tribal Business Committee expressed in the letter sent to the EPA Assistant Administrator Janet McCabe on November 8, 2016.

Second, I want to make clear that once the proposed rule is published, there will be an opportunity for the Tribe and any other interested persons to comment. We also expect to hold a public meeting after the publication of the proposed rule, which will be another forum for the agency to receive comments. The EPA will consider all comments and respond to them in crafting the final rule. In addition, we would be happy to visit the Reservation during the public comment period to brief the Tribe's leadership and environmental officials on the rule, so as to be sure that we explain the proposal and to afford a full opportunity for the Tribe's leaders to express any concerns and to ask any questions the leadership may have.

If the FIP is proposed as drafted, it would limit VOC emissions from existing oil and natural gas sources that are on Indian country lands within the Reservation. Currently, the majority of these oil and natural gas sources are not subject to any requirements to reduce VOC emissions. To protect human health from ozone impacts, to which VOC emissions are a major contributor, we are seeking through the FIP to establish control requirements on these largely unregulated VOC emissions sources. The FIP requirements would be comparable to those now applicable to sources subject to state jurisdiction. The result, we believe, will be improved air quality for communities on and near the Indian country lands within the Reservation, and a consistent basin-wide regulatory playing field for industry. The sooner these requirements come into effect, the greater the chance of reducing the duration of any ozone nonattainment designation that may occur in the Uinta Basin.

As we also discussed during our recent meeting, the proposed FIP for existing sources is only a part of the EPA's planned approach to addressing the air quality concerns on the Reservation and in the Uinta Basin generally. We have heard the Tribe's request that we establish a streamlined permitting process for new and modified sources on Indian country lands within the Reservation in the event of a nonattainment designation. We agree that it would be beneficial to establish a mechanism to permit these sources efficiently and in accordance with Clean Air Act requirements. We expect that implementing the proposed FIP will allow for the development of an environmentally protective streamlined permitting solution that demonstrates new and modified oil and natural gas sources will not cause or contribute to further degradation of air quality. In the proposed FIP, we reiterate that we will seek comment on effective mechanisms to achieve this and we would welcome any suggestions from the Tribe on such a permitting process.

In addition, we share the Tribe's interest in further developing our understanding of air quality conditions and the emissions inventory in the Uinta Basin. The EPA is committed to engaging with the Tribe on all of these questions. If the Tribe convenes a stakeholder working group to focus on the new and modified source permitting process and potentially these other issues, as we discussed in our meeting, EPA commits to participating in that group after the FIP is proposed.

Finally, we have heard the Tribe's concerns about the consultation process, and we are committed to addressing those concerns. My staff and I take EPA's trust responsibility to the Tribe very seriously and value our role in the government-to-government relationship between the Tribe and the United States. Consistent with the candor that is vital to that relationship, I want to be as clear as possible regarding our views on the timing of the publication of the proposed FIP. In the EPA's judgment it is important to publish this proposed rule and commence the public comment period as soon as possible so as to not to delay emission reductions and related health and air quality benefits.

I would like to again express my appreciation to the Vice-Chairman and to the Tribe's legal counsel for coming to our offices on December 1 to meet with us. We understand from Mr. Patterson and Mr. Fredericks that the Business Committee may consider a resolution concerning the proposed FIP in the near future. We welcome any and all further communications

from the Tribe on this matter, and we fully understand that it is very important to the Tribe. Thank you again for working with us on these issues. If you have any questions, please contact Martin Hestmark at (303) 312-6776.

Sincerely,

Shaun L. McGrath
Regional Administrator

cc: Edred Secakuku, Vice Chairman Ute Business Committee
Bruce Ignacio, Councilman
Ronald Wopsock, Councilman
Tony Small, Councilman
Justin Cummings, Councilman